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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,055	10/11/2001	Takeshi Shimizu	028918.01	7629

25944 7590 05/21/2003

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EXAMINER
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HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 05/21/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/974,055

Applicant(s)

SHIMIZU ET AL.

Examiner

Cong-Lac Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,10-14 is/are rejected.
- 7) ☐ Claim(s) 2-5 and 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: appeal brief filed 3/12/03 to the application filed on 10/11/01 which is a continuation of the application 08/938,973 filed on 9/26/97, now US Pat No. 6,374,271.
2. Claims 1-14 are pending in the case. Claims 1, 6, 10, 13 are the independent claims.
3. The rejections of claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Nehab have been withdrawn in view of Applicants' arguments.
4. The rejections of claims 13-14 under 35 U.S.C. 103(a) as being unpatentable over Brewer have been withdrawn in view of Applicants' arguments.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler, Microsoft FrontPage 97, Sams.net Publishing 1/17/97, pages 3-29.

Regarding independent claim 1, Tyler discloses:

- a goal outline comprising organization of document information content (page 7, figure 1.3: organization of the information for creating a Website)
- a presentation outline comprises appearance characteristics of the document (page 11, figure 1.6: the templates and wizards are provided for selecting a type of Websites)
- linking the goal outline and the presentation outline to create a document based on user inputs and data stored in the memory to at least partially author the document (page 17, figure 1.11: using the import web wizard to import *existing Web content* into a FrontPage web where the wizard is selected for creating a website and corresponding to the organization of the information of the website; page 18, figure 1.13: user selects the files, stored in the memory, to import to the template for creating a web site; the feature of creating a website indicates the capability of authoring the web documents)

Tyler does not explicitly disclose that the document authoring device comprises a controller coupled to the user interface and the memory that links the goal outline and

the presentation outline. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Tyler to include a controller coupled to the user interface and the memory that links the goal outline and the presentation outline because of the following reason. The fact that Tyler has the ability to create Websites by linking the organization of the web document to the selected the template or wizard and importing the existing files, stored in memory and selected by users, to fill out the selected template suggests that Tyler performs said linking function to link the goal outline, the presentation outline, and the data selected by users for authoring web documents. In other words, this fact suggests that Tyler should include such linking unit.

In addition, Tyler does not disclose explicitly that the document authoring device includes a user interface and a memory. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Tyler to include these two components since it was well known in the art at the time of the invention was made that any computer system for authoring document has a user interface and a memory.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 6, 10-12 rejected under 35 U.S.C. 102(e) as being anticipated by Tyler, Microsoft FrontPage 97, Sanms.net Publishing 1/17/97, pages 3-29.

Regarding independent claim 6, Tyler discloses:

- storing data in a memory (page 18, figure 1.13: the list of data files for importing to wizards indicates that these data files are stored in a memory)
- receiving an input through a user interface (page 18, figure 1.13; user input by selecting a file for import through the interface)
- a goal outline comprising organization of document information content (page 7, figure 1.3: organization of the information for creating a Website)
- a presentation outline comprises appearance characteristics of the document (page 11, figure 1.6: the templates and wizards are provided for selecting a type of Web pages)
- linking the goal outline and the presentation outline to create a document based on user inputs and data stored in the memory to at least partially author the

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document (page 17, figure 1.11: using the import web wizard to import existing Web content into a FrontPage web where the wizard is selected for creating a website and corresponding to the organization of the information of the website; page 18, figure 1.13: user selects the files, stored in the memory, to import to the template for creating a website; the feature of creating websites indicates the capability of authoring web documents)

Independent claim 10 includes the same limitations as that of independent claim 6, and is rejected under the same rationale. Independent claim 10 further includes:

- receiving external information by the controller
- generating a card based on the external information
- storing the card as data in the memory

As mentioned above in independent claim 6, Tyler discloses receiving an input through a user interface (page 18: user's selection for an import file is an input received through the user interface).

Tyler also discloses:

- generating a data file based on the external information (page 16: the fact that a user can import data files from a local area or a network suggests generating a data file based on the external information since the data files *from a network* are considered as the external information; since a data file is where to store data such as text, graphics, audio, video..., a data file from a network is considered as a card based on the external information as claimed)

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- storing the card as data in the memory (pages 18-19: the files after being imported are stored in the folders included in the Folder View)

Regarding claims 11 and 12, which are dependent on claim 10, Tyler discloses that:

- the step of generating an imported card accepts the external information already in a desired card structure as the imported card (pages 18-19: the files imported are stored in the folders for creating the website shows that the data files use the external information as imported)
- the step of generating an imported card translates the external information into a desired card structure (page 20: the Rename command for renaming the selected page or content suggests translating the import files in stored the folders into a desired format)

10. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler, Microsoft FrontPage 97, Sams.net Publishing 1/17/97, pages 3-29 in view of Brewer et al. (US Pat No. 5,347,628, 9/13/94).

Regarding independent claim 13, Tyler discloses:

- receiving inputs through a user interface (page 11: user input by selecting a type for generating a website; page 18, figure 1.13; user input by selecting a file for import through the interface)



- a goal outline comprising organization of document information content (page 7, figure 1.3: organization of the information in a Website)
- a presentation outline comprises appearance characteristics of the document (page 11, figure 1.6: the templates and wizards are provided for selecting a type of Web pages for creating)
- linking the goal outline comprising organization of document information content to a presentation outline to create a document based on user inputs (page 17, figure 1.11: using the import web wizard to import *existing Web content* into a FrontPage web where the wizard is selected for creating a website and corresponding to the organization of the information of the website; page 18, figure 1.13: user selects the files, stored in the memory, that will be imported to the template for creating a web page)

Tyler does not disclose displaying on the display device a meta-level display of the goals outline and the presentation outline.

Brewer discloses displaying on the display device a meta-level display (figure 2, meta-level display – office-desk-drawer-files).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Brewer into Tyler since Brewer provides a graphical image document of a meta-level display -- office-desk-drawer-files -- and Tyler discloses linking the goal outline to the presentation outline based on the input. The combination of Brewer and Tyler would provide a desired meta-level display as a metaphor of linking of the goal outline and the presentation outline.

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Regarding claim 14, Tyler does not disclose that the meta-level display is one of a kitchen image, an office image and a studio image. Brewer discloses that the meta-level display is an office image (figure 2, this is an office image includes a meta-level display of an office-desk-drawer-files display).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Brewer into Tyler for obtaining a meta-level display which is formed by a linking of the organization of the content and the presentation of the content based on the input through a user interface.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 1-12, Applicants argue that Nehab does not disclose the goal outline, the presentation outline, and the linking the goal outline and the presentation outline together based on an input received through the user interface and data stored in the memory to at least partially author the document as claimed.

Examiner agrees.

Tyler discloses and suggests these features (pages 7, 11, 17, 18, and as mentioned in the claim rejections).

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Regarding claims 13-14, Applicants argue that Brewer does not disclose a method of authoring a document, the goal outline, the presentation outline as well as linking the goal outline and the presentation outline.

Examiner agrees.

Tyler, in combination with Brewer, discloses and suggests authoring document, the goal outline, the presentation outline as well as linking the goal outline and the presentation outline (pages 7, 11, 17, 18, and as mentioned in the claim rejections).

### ***Allowable Subject Matter***

12. Claims 2-5, 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arora et al. (US Pat No. 6,311,196 B1, 10/30/01, filed 4/9/97).

Stanek, Microsoft FrontPage Unleashed, Macmillan Computer Publishing, 9/6/96, chapters 19 & 22.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 707-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh  
5/14/03

  
HEATHER P. HERNDON  
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